



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,449	07/07/2005	Yukinori Kita	SONYJP 3.3-380	9772
530 7590 03/23/2010 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER ADEGEYE, OLUWASEUN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
03/23/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/520,449

**Applicant(s)**

KITA ET AL.

**Examiner**

OLUWASEUN A. ADEGEYE

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/07/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/07/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 1/20/2010 have been fully considered but they are not persuasive.

In re pages 9 – 10, applicants disclose that none of the cited references discloses a controller, which is operable to change a set broadcast time period by time-extending a termination point of the set broadcast time period to record to a later termination point of a new time period to record, “does not change the set broadcast time period to record when the termination point of the new time period to record is later than a starting point of the another set broadcast time period to record” as required by claim 1. In response, the examiner respectfully disagrees. Column 12, lines 15 – 33 of Hatano discloses time extending the termination point of the set broadcast time period to record to a later termination point of a new time period to record. Column 12, lines 37 – 41 of Hatano on the other hand discloses that it might not be desirable to time-extend the recording period as mentioned above and the recording operations can be carried out in accordance with the time schedule set at the time of the programming. Anyone of ordinary skill in the art will know that there are a few reasons for not wanting to time-extend the termination point of the recording such as insufficient space in the storage medium or overlapping with another set recording.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 2 and 4 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano (US 6,951,031 B2) in view of Mukai et al (US 2003/0152360 A1).

As to **claim 1**, Hatano discloses a program recording apparatus which obtains an electric program guide and receives and records a desired program by using the obtained electric program guide (see column 1, lines 29 – 32 and column 5, line 65 – column 6, line 16), comprising:

a setting unit operable to set a recording of the desired program based on at least a broadcast time period and a broadcast channel (see 5, line 65 – column 6, line 16);

Hatano discloses wherein the controller does not change the set broadcast time period when the termination point of the new time period is later than a starting point of another set broadcast time period (see column 1, lines 43 – 50).

Hatano does not disclose a searching means unit operable to search a character string in a predetermined region of the electric program guide including the set broadcast time period and broadcast channel; and

a controller operable to change said the set broadcast time period to a new time period when a predetermined word is included in the character string.

Mukai discloses a searching means unit (14) operable to search a character string in a predetermined region of the electric program guide including the set broadcast time period and broadcast channel (see [026], [028] and [045]); and

a controller (1) operable to change said the set broadcast time period to a new time period when a predetermined word is included in the character string (see [027] and [056]).

the searching unit being operable to discriminate a number sequence subsequent to the predetermined word when the predetermined word is searched (see [074] and [075]), and

the controller being operable to time-extend a termination point of the broadcast time period in response to a value of the discriminated number sequence, in a range not overlapping another set broadcast time period (see [074], [075] and [076]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the searching unit and the controller of Mukai to the apparatus of Hatano to effectuate the entire recording of desired time series data (see [008]).

As to **claim 2**, Mukai discloses a program recording apparatus according to claim 1, wherein said the predetermined word is "extension" (see [027] and [56]).

As to **claim 4**, Hatano in view of Mukai discloses a program recording apparatus according to claim 1. However Hatano does not disclose wherein the controller is operable to time-extend the termination point of the set broadcast time period to record

by a predetermined amount when the number sequence subsequent to the predetermined word cannot be discriminated.

Mukai discloses wherein the controller is operable to time-extend the termination point of the set broadcast time period to record by a predetermined amount when the number sequence subsequent to the predetermined word cannot be discriminated (see [075] and [076]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the searching unit and the controller of Mukai to the apparatus of Hatano to effectuate the entire recording of desired time series data (see [008]).

As to **claim 5**, Hatano discloses a program recording apparatus according to claim 1, wherein the controller does not change the set broadcast time period to record to the new time period to record when the new time zone overlaps with the another of set broadcast time period to record (see column 16, lines 40 – 50).

As to **claim 6**, Hatano discloses a program recording apparatus according to claim 5, wherein, when the set broadcast time period to record is not changed, the controller causes a display to be made indicating that the set broadcast time period to record was not changed in addition to a display of the desired program set for recording (see column 13, line 56 – column 14, line11).

As to **claim 7**, Mukai discloses a program recording apparatus according to claim 1, wherein the setting unit further sets the change from the set broadcast time period to record to the new time period to record when the predetermined word is included in the

character string (see[028] and [039]) .

As to **claim 8**, Hatano discloses a program recording apparatus according to claim 7, further comprising a display for displaying a logo indicating that the change from the set broadcast time period to record to the new time period to record has been set (see column 14, lines 3 – 11).

As to **claim 9**, Hatano in view of Mukai discloses a program recording apparatus according to claim 1. However Hatano does not disclose wherein the controller changes the set broadcast time period to record to the new time period to record just before the desired program recording starts when the predetermined word is included in the character string.

Mukai discloses wherein the controller changes the set broadcast time period to record to the new time period to record just before the desired program recording starts when the predetermined word is included in the character string (see [024], [056] and [075]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the searching unit and the controller of Mukai to the apparatus of Hatano to effectuate the entire recording of desired time series data (see [008]).

As to **claim 10**, Hatano discloses a program recording apparatus according to claim 1, wherein the controller does not change the set broadcast time period to record to the new time period to record when the program recording apparatus would have an insufficient capacity at the new time period (see column 16, lines 40 – 50).

As to **claims 11 – 20**, these are method claims corresponding to the apparatus claims 1 - 10. Therefore, claims 11 - 20 are analyzed and rejected as previously discussed with respect to claims 1- 10.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OLUWASEUN A. ADEGEYE** whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone



number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Bank—Harold/ SPE Art Unit 2621

03/17/2010

/O.A/